

REMARKS/ARGUMENTS

Claims 1-4, 9, 10 and 12 are pending in the instant application. Claims 8 and 11 have been canceled without prejudice. Claim 12 is new and is directed to "A method for the treatment of erectile dysfunction in a human or animal, comprising administering to said human or animal, a cardiovascularly effective amount of a compound as defined in claim 1." Support for new claim 12 can be found, for example, in claims 8 and 11 as originally filed; at Page 44, line 5; and throughout the specification as originally filed. No new matter has been added.

Applicants respectfully thank the Examiner for the withdrawal of the objections to the specification.

Applicants respectfully reserve the right to pursue any non-elected, canceled or otherwise unclaimed subject matter in one or more continuation, continuation-in-part, or divisional applications.

Reconsideration and withdrawal of the objections to and the rejections of this application in view of the amendments and remarks herewith, is respectfully requested, as the application is in condition for allowance.

Rejections under 35 U.S.C. §112, First Paragraph

Rejection of Claims 8 and 11 under 35 U.S.C. §112, First Paragraph

Claims 8 and 11 stood rejected under 35 USC § 112, first paragraph, as allegedly failing to comply with the enablement requirement. While Applicants strongly disagree with the Examiner's allegation, and solely for the purpose of advancing prosecution, claims 8 and 11 have been canceled without prejudice. Applicants respectfully request that the rejections of the claims under 35 U.S.C. § 112, First Paragraph be withdrawn.

As the Office Action states that the specification is “enabling for treating the cardiovascular disease erectile dysfunction,” it is believed that new claim 12 is fully enabled by the specification and should be allowable.

Provisional Rejection of claims 1-4 and 8-11 under Obviousness-Type Double Patenting

Claims 1-4 and 8-11 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 4, 8-10, and 12 of U.S. Patent Appln No. 11/547,975.

Application No. 11/547,975 is a later-filed application that has not yet been examined. Applicants believe that the “provisional” rejection is the only rejection remaining in this application. In such circumstances, “the Examiner should withdraw that rejection and permit the [present] earlier-filed application to issue as a patent without a terminal disclaimer.” M.P.E.P. 804 (I)(B)(1). As such, Applicants respectfully request that the rejections to all claims for nonstatutory obviousness-type double patenting be withdrawn.

CONCLUSION

In view of the foregoing, reconsideration and withdrawal of all rejections, and allowance of the instantly claimed invention is earnestly solicited. If a telephone conversation with Applicants' attorney would help expedite the prosecution of the above-identified application, the Examiner is urged to call Applicants' attorney at the telephone number below.

Applicants have filed a petition for a one-month extension of time herewith, as well as authorization to charge our Deposit Account for the related fee. Applicants believe that there are no additional fees due with this response. However, if a fee is due, the Commissioner is hereby authorized to charge Deposit Account No. 04-1105 for any fee(s) due with this response.

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Respectfully submitted,

By /Nicholas J. DiCeglie, Jr./

Nicholas J. DiCeglie, Jr.

Registration No.: 51,615

EDWARDS ANGELL PALMER & DODGE
LLP

P.O. Box 55874

Boston, Massachusetts 02205

(203) 353-6875

Attorneys/Agents For Applicant